

ELIZABETH BECKLEY,  
Plaintiff,

v.

CITY OF ATLANTA,  
Defendant.

Case No. 1:16-cv-01435-MHC

Defendant CITY OF ATLANTA (the “City”), by its counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1B(2)(a)(1), hereby submits its Response to Plaintiff’s Statement of Additional Material Facts as follows:

**RESPONSE:** Not disputed.

2. The City does not have a written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks. (Id. at ¶ 7; see also (Deposition of Lawrence Jeter (“Jeter Dep.”) at 22:20-23:16).

**RESPONSE:** Not disputed. Further, it is undisputed that a disabled individual can request that the City install ADA compliant ramps on City-owned sidewalks by contacting the City’s 311 customer service system. (See Doc. No. 36-1, ¶ 49). Moreover, Plaintiff’s fact is not material.

3. The City also promised that it would report to the Department of Justice all streets, roads, and highways that have been constructed or altered since January 26, 1992, for purposes of ADA compliance verification, but it did not. (See Attachment 6 (Defendant’s Responses to Plaintiff’s First Requests for Production of Documents) at ¶ 4 (in response to request for these reports, stating “after conducting an extensive search, it has not located documents responsive to this Request.”))

**RESPONSE:** Plaintiff’s fact is not material.

4. The City of Atlanta is responsible for maintaining the sidewalks at the intersections of Martin Luther King, Jr. Blvd. and Centennial Olympic Park Drive in downtown Atlanta. (Id. at ¶ 1).

**RESPONSE:** Not disputed.

5. Alternatives to curb ramps can be used to make the intersection of MLK and Centennial accessible without requiring a ramp to be cut into the existing concrete structure. (ADA Best Practices Tool Kit for State and Local Governments, Chapter 6, “Curb Ramps and Pedestrian Crossings Under Title II of the ADA.” Section (F)(3) (Attachment 4) (available at <https://www.ada.gov/pcatoolkit/chap6toolkit.htm>)

**RESPONSE:** Disputed. Defendant objects to Plaintiff’s evidence on the grounds that it is inadmissible hearsay under Federal Rules of Evidence 801 and 802 and that it has not been properly authenticated under Federal Rule of Evidence 901.

6. One “potential solution is to raise the entire street grade at the intersection to make the sidewalk elevation flush with the street elevation, thus eliminating the spatial needs for curb ramps.” (United States Access Board1 Special Report: Accessible Public Rights-of-Way Planning and Design for Alterations, August 2007, Chapter 4, Attachment 5) (available at <https://www.access-board.gov/guidelines-and-standards/streetssidewalks/public-rights-of-way/guidance-and-research/accessible-publicrights-of-way-planning-and-design-for-alterations/chapter-4%E2%80%94design-solutions>).

**RESPONSE:** Disputed. Defendant objects to Plaintiff's evidence on the grounds that it is inadmissible hearsay under Federal Rules of Evidence 801 and 802 and that it has not been properly authenticated under Federal Rule of Evidence 901.

Respectfully submitted,

/s/ Anissa D. Floyd

Anissa D. Floyd  
Georgia Bar No. 141747  
Counsel for Defendant

CITY OF ATLANTA LAW DEPARTMENT  
55 Trinity Ave., S.W., Suite 5000  
Atlanta, Georgia 30303-3520  
Telephone: (404) 546-4155  
Facsimile: (404) 979-7649  
Email: [adfloyd@atlantaga.gov](mailto:adfloyd@atlantaga.gov)

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I hereby certify that DEFENDANT’S RESPONSE TO PLAINTIFF’S STATEMENT OF ADDITIONAL MATERIAL FACTS was prepared in Times New Roman 14-point font in conformance with Local Rule 5.1C.

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I hereby certify that on June 2, 2017, I served a true and correct copy of  
DEFENDANT’S RESPONSE TO PLAINTIFF’S STATEMENT OF ADDITIONAL MATERIAL  
FACTS with the Clerk of Court using the CM/ECF system, which will automatically  
send notification to the following counsel of record:

/s/ Anissa D. Floyd  
Anissa D. Floyd  
Counsel for Defendant